

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU

CAUSE NO. 16 OF 2017

(Before Hon. Justice Mathews N. Nduma)

ENG. ALFRED ODONGO AMOMBO.....CLAIMANT

VERSUS

LAKE VICTORIA NORTH WATER SERVICES BOARD.....1ST RESPONDENT

HON. JOSEPH KIPCHUMBA LAGAT.....2ND RESPONDENT

R U L I N G

1. Judgment by Hon. Maureen Onyango delivered on 4th May, 2017 was stayed pending appeal. The import of the stay was to keep the Claimant/Applicant in suspension from his position of Chief Executive Officer of the Lake Victoria North Water Services Board.
2. The Human Resource Policy and procedures manual is to be strictly followed during the pendency of the Appeal and continued suspension of the Claimant/Applicant. The issue of terms of suspension was not dealt with by the trial court and is therefore not *functus officio*.
3. Section 71 (3) of the Public service Commission Act 2017, provides that a Public Officer who is suspended shall receive half basic salary, full house allowance and medical allowance.
4. The directives by public service commission in their circulars are to supplement gaps in all public service bodies' human resource and procedure manuals.
5. The Respondent is currently paying the Claimant/Applicant full house allowance and medical cover. The court finds that the Respondent is obliged to pay the Claimant/Applicant in addition half (½) salary while on suspension with all arrears from date of suspension until the dispute is fully resolved.

Ruling Dated, Signed and delivered this 4th day of October, 2018

Mathews N. Nduma

Judge

Appearances

Mr. Mbanda for Claimants/Applicant

Mr. Omondi for Respondent

Chrispo – Court Clerk